

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL ONE, NATIONAL ASSOCIATION,

Plaintiff,

-v-

201 W 134 ST LLC, et al.,

Defendants.
-----X

USDC SDNY
DOCUMENT
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12 Civ. 5025 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

On August 2, 2012, defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. (Docket No. 7). On August 3, 2012, the Court issued an order granting plaintiff until August 24, 2012, to file an amended complaint or an opposition to defendants' motion to dismiss. On August 24, 2012, plaintiff filed an amended complaint, and on September 14, 2012, defendants filed a new motion to dismiss. Accordingly, defendants' original motion to dismiss the complaint (Docket No. 7) is denied as moot.

The Clerk of Court is directed to terminate the aforementioned motion.

SO ORDERED.

Dated: New York, New York
October 5, 2012


JESSE M. FURMAN
United States District Judge